

OTTER COMPUTER INC.  
3350 SCOTT BLVD BLDG 4  
SANTA CLARA, CA 95054-3108

U.S. DISTRICT COURT  
DISTRICT OF NEW JERSEY  
RECEIVED

2022 JUL 27 A 10:29

MARTIN LUTHER KING BUILDING  
& U.S. COURTHOUSE  
ATTN: CLERK'S OFFICE - WILLIAM T. WALSH

50 WALNUT STREET  
NEWARK, NJ 07102

1 OTTER COMPUTER INC.  
3350 Scott Blvd Bldg 4  
2 Santa Clara, CA 95054-3108  
Phone: 408-982-9358 | Fax: 408-982-9335  
3 Email: [tonytsai@otterusa.com](mailto:tonytsai@otterusa.com)

4 U.S. DISTRICT COURT OF NEW JERSEY

5 ZENA L. POWELL,

6 Plaintiff,

7 vs.

8 CLOUD KITCHENS INC., ET AL

9 Defendant

Case No.: 2:21-CV-20456-CCC-ESK

**INCORRECT DEFENDANT LISTED,**

**PLEASE REMOVE:  
OTTER COMPUTER INC, FROM THIS CASE.**

10 TO: WILLIAM T. WALSH, CLERK'S OFFICE

11 On JUNE 27<sup>TH</sup>, 2022, our company was visited by a U.S. Marshal with delivery of court  
12 document request from District Court of New Jersey. Upon reviewing the document and the requests, it is to our  
13 surprise and disbelieve that the Plaintiff, Zena L. Powell, has wrongly list our company as part of this civil lawsuit,  
14 hence we request the Clerk's office of U.S. District Court of New Jersey, to remove our company from this civil  
case.

15 Our company, OTTER Computer Inc., is not affiliate with the Defendant, Cloud Kitchens Inc., nor  
16 has ever been in contact, or conduct such business service and/or transaction to the Plaintiff, or in the State of New  
17 Jersey. Furthermore, our core service & product industry are in the high-tech IT hardware developments associate  
18 with mostly engineers, as we do not involve with end-users or in the restaurant hospitality industry, as Cloud  
Kitchens described on its website. In fact, it is the first time we heard and learn about such company & service  
provide by Cloud Kitchens.

19 I tried to contact the court and Judge Cecchi's office regard the mistakes on the date of receival;  
20 however, was not successful due the lack of information on correct point of contact from the Court's website and  
21 also due to 4<sup>th</sup> of July holiday recess. Finally in touch with court deputy, Ms. Jacqueline Lambiase, on July 14<sup>th</sup>, and  
was told to send the written letter of request to the Clerk's office for correction, hence this letter.

22 I have also left the voicemail messages to the Plaintiff, to inform her about the incorrect  
23 information, yet, still without any reply from her still.

24 Please let me know, if any other information is needed, and thank you for the correction.

25 July 18<sup>th</sup>, 2022

26 

27 Tony Tsai, V.P., OTTER COMPUTER INC.  
28

INCORRECT DEFENDANT LISTED, PLEASE REMOVE: OTTER COMPUTER INC, FROM THIS CASE. - 1

**UNITED STATES DISTRICT COURT**  
DISTRICT OF NEW JERSEY

**ZENA L. POWELL,**  
*Plaintiff*

V.

**SUMMONS IN A CIVIL CASE**

**CLOUD KITCHENS INC., ET AL.,**  
*Defendant*

CASE  
NUMBER: **2:21-CV-20456-CCC-ESK**

TO: *(Name and address of Defendant):*

**OTTER COMPUTER INC.**  
3350 Scott Blvd, Bldg 4  
Santa Clara, CA 95054-3108  
Attn: Legal Department

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

s/ WILLIAM T. WALSH  
CLERK



ISSUED ON 2022-04-29 10:37:27, Clerk  
USDC NJD

AO 240A (Rev. 01/09; NJ 06/17; NJ 10/21) Order to Proceed Without Prepaying Fees or Costs

UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF NEW JERSEY

ZENA L. POWELL

Plaintiff(s),

v.

CLOUD KITCHENS INC. et al  
Defendant(s).

ORDER ON APPLICATION  
TO PROCEED WITHOUT  
PREPAYMENT OF FEES

Civil Action No. 2:21-cv-20456-CCC-ESK

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NEWARK, NJ  
2022 MAY 10 AM 10:57

Having considered the application to proceed without prepayment of fees under 28 U.S.C. §1915, **IT IS ORDERED** the application is:



**GRANTED**, and



The clerk is ordered to file the complaint,



**IT IS FURTHER ORDERED**, the clerk issue a summons and the U.S. Marshal serve a copy of the complaint, summons and this order upon the defendant(s) as directed by the plaintiff(s). All costs of service shall be advanced by the United States.



**DENIED**, for the following reasons:



**IT IS FURTHER ORDERED**, the clerk is ordered to close the file. Plaintiff(s) may submit payment in the amount of **\$402** within **14** days from the date of this order to reopen the case without further action from the Court.

ENTERED this 21 day of December , 2021

s/

  
Signature of Judicial Officer

Claire C. Cecchi, USDJ

Name and Title of Judicial Officer

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by <small>me()</small>	DATE	
NAME OF SERVER (PRINT)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the defendant. Place where served: _____            _____         </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.         </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Name of person with whom the summons and complaint were left: _____            _____         </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: _____            _____         </div> <div> <input type="checkbox"/> Other (specify) : _____            _____            _____         </div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
<div style="display: flex; justify-content: space-between;"> <div>           Executed on _____  <div style="text-align: center;">Date</div> </div> <div>           _____  <div style="text-align: center;">Signature of Server</div> </div> </div> <div style="margin-top: 10px; text-align: center;">           _____  <div style="text-align: center;">Address of Server</div> </div>		



Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

## UNITED STATES DISTRICT COURT

for the  
District of New Jersey

\_\_\_\_ CIVIL \_\_\_\_ Division

ZENA L. POWELL

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

\_\_\_\_\_  
Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

CLOUD KITCHENS INC. DBA 500 CORTLAND ST  
BEL LLC, & OTTER COMPUTER INC.\_\_\_\_\_  
Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

USMS RECEIVED  
NEWARK, NJ  
2022 JUL 10 AM 10:57

## COMPLAINT AND REQUEST FOR INJUNCTION

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	ZENA L POWELL
Street Address	20 HOWARD DRIVE APT. V
City and County	BERGENFIELD & BERGEN
State and Zip Code	NEW JERSEY 07621
Telephone Number	551-275-3771
E-mail Address	TEOTEOJOHNSON@OUTLOOK.COM

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

## Defendant No. 1

Name	CLOUD KITCHENS
Job or Title (if known)	COMPANY
Street Address	777 S. FIGUEROA ST. SUITE 4100
City and County	LOS ANGELES, LOS ANGELES
State and Zip Code	CALIFORNIA 90017
Telephone Number	301-756-5257
E-mail Address (if known)	SALES@CLOUDKITCHENS.COM

## Defendant No. 2

Name	OTTER COMPUTER INC
Job or Title (if known)	COMPANY
Street Address	3350 SCOTT BLVD BLDG 4
City and County	SANTA CLARA
State and Zip Code	CALIFORNIA 954054-3108
Telephone Number	408-735-7358
E-mail Address (if known)	WWW.OTTERUSA.COM

## Defendant No. 3

Name	
Job or Title (if known)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (if known)	

## Defendant No. 4

Name	
Job or Title (if known)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (if known)	

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

FTC ACT SECTION 5(A) UNFAIR OR DECEPTIVE TRADE PRACTICES, NJSA 56:8-2, AND THE  
FEDERAL LANHAM ACT TITLE 15 U.S.C 1125(A)

**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* ZENA L POWELL, is a citizen of the  
State of *(name)* NEW JERSEY.

**b. If the plaintiff is a corporation**

The plaintiff, *(name)* \_\_\_\_\_, is incorporated  
under the laws of the State of *(name)* \_\_\_\_\_,  
and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)****a. If the defendant is an individual**

The defendant, *(name)* \_\_\_\_\_, is a citizen of  
the State of *(name)* \_\_\_\_\_. Or is a citizen of  
*(foreign nation)* \_\_\_\_\_.



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b. If the defendant is a corporation

The defendant, (name) CLOUD KITCHENS INC., is incorporated under the laws of the State of (name) CALIFORNIA, and has its principal place of business in the State of (name) CALIFORNIA.  
Or is incorporated under the laws of (foreign nation) \_\_\_\_\_,  
and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

I am requesting compensatory, consequential, and nominal damages

### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?  
IN THE STATE OF NEW JERSEY

B. What date and approximate time did the events giving rise to your claim(s) occur?  
7/27/2021

**Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction**

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*
- The business relationship was formed on deceptive business practices and false statements of services to be provided and fees being all inclusive by Georgia Morhbach on behalf of Cloud Kitchens. In my brief the details of the aforementioned communications resulting in the approved transaction by my son Teo Powell who funded the business initially from his brokerage account. In addition the company operates in unsafe practices as there are no twenty four hour facilities managers that are qualified HVAC Osha certified facilities manager to shut off gas line in the event of an emergency gas leak or water issues. The promise of nightly general kitchen cleaning (all equipment and floors), weekly hood cleaning and quarterly deep cleaning, marketing, application assistance, and signage were lies. Also charged operational fees prior to any equipment being delivered or me taking complete possession of the space. Charging licensing fees of \$3600 monthly in addition to \$2000 operational fees and a storage fee of 250 per rack but cannot explain what it is that they are licensing since you cannot license commercial space.

**IV. Irreparable Injury**

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

The business model they have imposed with the assistance of their partnership with Tryotter.com is one that guarantees high turn-over of merchants within the building. Not even the franchises that have contracted with them are satisfied and have left their facilities such as TGIFridays left during the month of November acknowledging that their fees for licensing were bogus and the additional fees hidden incurred were not what was promised during the sales pitch. The merchant such as myself can never become profitable because Otter system is used to control sales flow and since Cloud does not advertise or market on your business as stated in the sales presentation you wont pickup the foot traffic needed to sustain the monthly cost in which they rely on and they intentionally donot respond during the onboarding process immediately to take up the time you would have to withdraw from the contract upon discovering the issues mentioned because that would result in a refund of the initial deposit. The organization targets a specific group of consumers as well that are less educated in business but have dream of becoming a food business owner. Merchants are bankrupt or return to prior fields and I

**V. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I am seeking damages of \$200,000 which would include the money given to cloud thus far of \$12,259.22 the equipment fees I paid of \$4,704.00 and the cost of Food \$3,314.00 and the additional damages requested in compensatory, and other damages. I am also requesting an investigation into Cloud as they are the same executives who left Weworx prior to charges being brought against the company they left and formed this one but also own City Storage systems, LLC an a host of other subsidiaries across the country. The company needs to have the merchants they lease to speak with investigators to share their experience and the pattern of deceptive sales tactics will become very transparent as we all had different sales persons. To temporarily bar the licensing fees until it is determined what it is that the company is licensing you for and to review how many clients have been illegally evicted without court paperwork. How many sales were effected by the Otter system being turned off on them during business for lack of payment of an invoice within the same month? And, How many have been affected by Otter being down offline or their sales flow experieince with otter directing the sales traffic.

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

## VI. Certification and Closing

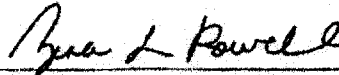
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/10/2021

Signature of Plaintiff



Printed Name of Plaintiff

Zena I. Powell

### B. For Attorneys

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

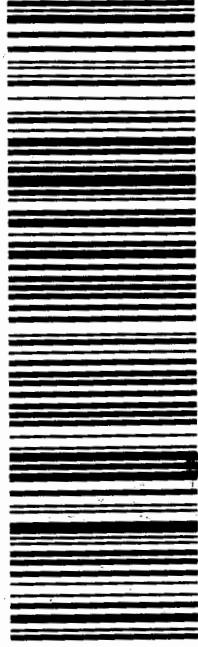


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